

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 127 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

JAYESHBHAI CHANDULAL KACHIYA PATEL

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Appearance:

MR DN PATEL, ADDL.PUBLIC PROSECUTOR for Petitioner

MR TS NANAVATI for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 19/07/96

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.T.S.Nanavati and Mr.B.M.Gupta, learned Advocates for the Respondents.  
2. The grievance in this petition is against the order dated 22.3.1996 rendered by the learned Metropolitan Magistrate, Court No.11, Ahmedabad in Inquiry Case No. 114 of 1995. The order indicates that the Investigating Officer Smt. Purani was not to file the Report as has been filed and the statement of such

report, having been filed, was made by the Investigating Officer. This result in the learned Metropolitan Magistrate (Mr.K.J.Patel) observing that the Investigating Officer ought to have thought before stating such fact and directing the report to be kept with the F.I.R. The learned Metropolitan Magistrate passed further order that the Investigating Officer should file separate report praying for Non-Bailable Order.

3. Now when the matter is taken up before this Court it has been jointly submitted that the learned Metropolitan Magistrate Mr.K.J.Patel is not occupying the Court No.11 in the courts of Metropolitan Magistrate at Ahmedabad and one Mr.Kayasth has taken over the charge of the said Court. In that view of the matter the only directions which are jointly sought are with regard to quashing of the impugned order and directing the learned Metropolitan Magistrate, Court No.11 to accept the charge sheet and also to implement/consider the orders of anticipatory bail passed by the Sessions Court in Criminal Misc. Applications No.2117/95, 286/95, 2118/95, 2961/95, 229/96 and 333/96.

4. In the facts of the case, therefore, the impugned order dated 22.3.1996 as also the order dated 25.3.1996 are hereby quashed and set aside. The learned Metropolitan Magistrate, Court No.11 shall accept the charge sheet and implement/consider the orders of anticipatory bail as detailed hereinabove.

Rule made absolute in the aforesaid terms.

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